

THOMAS N. STEWART, III - #88128  
ATTORNEY AT LAW  
369 BLUE OAK LANE, 2<sup>nd</sup> FLOOR  
CLAYTON, CA 94517  
TELEPHONE (925) 672-8452  
TELEFAX (925) 673-1729  
Attorneys for Gerald Cohen

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GERALD COHEN, Case No. CIV. S-04-2278 FCD PAN  
Plaintiff, STIPULATION OF DISMISSAL; ORDER  
v.  
WALTER L. SCHMITT and SANDRA  
KOPP,  
Defendants.

---

/

The parties hereto stipulate as follows:

The parties have reached a full and final settlement of all issues in this action. A Settlement Agreement between the parties has been fully executed.

Some parts of the Settlement Agreement are to be performed in the future. The parties shall comply with their Settlement Agreement, a copy of which is incorporated by reference as if fully set forth. The parties request the Court to retain jurisdiction for one year(s) from the

date hereof in order to enforce the terms of the Settlement Agreement under the authority of *Kokkonen v. Guardian Life Insurance Co. Of America*, 511 U.S. 375, 381-82 (1994).

Although the parties are hereby dismissing this action with prejudice, they agree that the Court will retain jurisdiction over this action and the parties hereto in order to be able to enforce the terms of the Settlement Agreement.

IT IS HEREBY STIPULATED by and between the parties to this action through their designated counsel that this action be and hereby is dismissed with prejudice pursuant to FRCP 41(a)(2), and the Court retains jurisdiction to enforce the terms of the Settlement Agreement for one year(s) after the date hereof.

Date: April 14, 2005

S/Edward C. Koons  
Edward C. Koons,  
Attorney for Defendants

Date: April 19, 2005

S/Thomas N. Stewart, III  
Thomas N. Stewart, III,  
Attorney for Plaintiff

IT IS SO ORDERED:

Date: April 26, 2005

/s/ Frank C. Damrell Jr.  
FRANK C. DAMRELL JR.  
U.S. District Judge